

## **Chapter 10: Growth Policy Implementation Program**

### **Gallatin County Growth Policy**

On May 30, 2006, Gallatin County Commissioners adopted Resolution #2006-060, supporting implementation of the Gallatin County Growth Policy Implementation Program (Program). The initial Program considered: county-wide zoning; a transfer of development rights program; rural land use assistance, including a rural land cluster regulation; comprehensive neighborhood planning; and other growth management tools as methods to help steer growth to areas of the County with appropriate infrastructure and services to support such growth.

Resolution #2006-060 established the foundation for the County's growth management efforts. The Resolution cited the Commission's unanimous desire to establish a "comprehensive land use planning program that will support long-term, sustainable growth in Gallatin County." The Commission stressed the Program include:

- Considerable public input and participation from the initial stages through complete implementation.
- Protection of property values.
- Protection of viable agricultural lands and agricultural operations, including lands containing prime soils.
- Coordination of the Gallatin County Growth Policy with capital improvement plans.
- Enhancement of regulatory predictability while supporting continued flexibility of land use options.

In supporting a comprehensive planning package, the Commission cited the following:

- Gallatin County is Montana's fastest-growing county, with an 11.5-percent growth rate, or 7,800 new people, from 2000 to 2004, and the County is projected to experience high growth rates for several years.
- Currently, Gallatin County is unable to keep up with provision of essential public safety services – especially roads, sheriff, etc., and without a comprehensive growth management project will continue to fall behind in provision of essential public services.
- Valley-wide uncontrolled growth threatens the rural way of life and amenities that make Gallatin County a desirable place to live and work.
- Infill near our towns and communities must be encouraged with corresponding incentives to help protect prime agricultural land, riparian and wetland resources, and critical wildlife habitat.
- Specific design standards are needed to ensure new growth is compatible with existing neighborhoods and that new growth provides adequate infrastructure to support desired densities while minimizing impacts to existing neighborhoods.
- Additional 'exclusionary' zoning districts do not consider greater County interests, threaten agricultural land values, and potentially push less-desirable land uses to inappropriate areas.
- Without a comprehensive long-range planning program, potential opportunities for compensating landowners for not developing and protecting sensitive landscapes may be diminished.
- Incentive programs such as Transferable Development Rights (TDRs), purchase of development rights, rural development assistance, etc., will not happen unless the County Commission takes the initiative and starts the process.
- Gallatin County residents, including rural landowners, newcomers, and urban residents, have encouraged the County Commission to take positive action to manage growth.

During the summer of 2006, in an effort to gauge public opinion and encourage discussion on land use planning, the Commission in conjunction with the Planning Department held nine town meetings. Meetings were held in Amsterdam/Churchill, Bozeman, Belgrade, Manhattan, Three Forks, Sedan, Dry Creek and Gallatin Gateway. Over 300 individuals attended the meetings, with written comments received from nearly 200 participants.

Both written and verbal comments from town meetings generally correspond with results from the ‘Citizens Satisfaction Survey’ conducted by Universal Survey Research, LLC, May and June 2005, which showed overall dissatisfaction for the County’s growth management efforts. (Only 37% of Gallatin County residents agreed the County was effectively managing growth and only 16% agreed the County had an effective plan to manage growth.)

The ‘Citizens Satisfaction Survey’ was mailed to County residents according to zip code to accurately capture opinion from urban and rural residents. Those surveyed (314 residents responded from a list of 1,510 registered voters for +/- 3% accuracy) listed growth and development as the top issue. The survey concluded: “There seems to be a perception that a long-range plan is not in place. There are strong feelings on each side of this issue. In addition, communication to the public and coordination between the City and the County need some attention.”

In response, the County Commissioners listed growth management as their number one priority for 2006 (see description of ‘Growth Policy Implementation Program’ below).

Attendees of 2006 town meetings were asked to fill out comment cards to help provide the County with additional information on how residents feel about growth and management of growth. The following responses were made:

	disagree			agree	
	1	2	3	4	5
Urban development (sprawl) in rural areas negatively impacts Gallatin County.	6%	2%	7%	15%	69%
The County should be involved in preserving open space.	8%	3%	6%	10%	74%
The County should be involved in preserving agricultural lands.	7%	5%	8%	12%	67%
The County should provide land development incentives to rural landowners.	18%	6%	12%	22%	41%
I support the use of clustering of residential development to preserve open space.	6%	4%	10%	17%	64%
A regulation that limits density accompanied by incentives such as Transfer of Development Rights (TDRs) and clustering would <i>reduce</i> land values.	40%	20%	23%	8%	10%
A regulation that limits density accompanied by incentives such as TDRs and clustering would <i>increase</i> land values.	10%	6%	23%	23%	39%
The County is doing a good job managing growth.	45%	40%	3%	10%	2%
Steering growth to already developed areas should be a County priority.	8%	5%	12%	4%	72%

When asked to check preferred methods of growth management, the following answers were given:

Status quo (growth management through subdivision review).	<b>39</b>
Regulation to limit the number of new homes in rural areas.	<b>136</b>
Use of transfer of development rights (TDRs) to compensate rural landowners and steer development to appropriate areas.	<b>163</b>
Citizen-initiated zoning districts.	<b>128</b>
The County shouldn't manage growth.	<b>12</b>

When asked to check a preferred residential development alternatives, the following answers were given:

Limiting the number of homes in rural areas and steering growth to developed areas where infrastructure and services already exist.	<b>108</b>
The above, with compensation of rural landowners through transfer of development rights (TDRs).	<b>138</b>
No regulation in rural areas.	<b>19</b>

When asked to check a density preference “for undeveloped, rural areas of Gallatin County,” the following answers were given:

1 residence per 160 acres	<b>54%</b>
1 residence per 100 acres	<b>24%</b>
1 residence per 60 acres	<b>10%</b>
1 residence per 20 acres	<b>12%</b>

When asked to describe what they valued most about living in Gallatin County, the following includes a sample of responses:

- The culture of honesty and connectedness to the land.
- Great farmland (states top). Great views beside urban sprawl & 10-20 acre hobby farm weed patches.
- Beauty and the people.
- Climate, aesthetics, services and still close to everything.
- Peace and quiet and beautiful scenery.
- The ability to raise my family on our family farm. The farming lifestyle and open space.
- Agriculture, forestry. Limits on urban growth proximity and access to mountains and forests as well as Yellowstone.
- Open space and lack of congestion.
- Small town feeling. Still have open spaces to enjoy (although disappearing quickly).
- The friendliness of the people, the beauty and cleanliness of the natural surroundings.
- Level of overall awareness, subsequent potential for innovation.
- Wildlife (need corridors for them); clean, accessible rivers and streams; clean air.
- Open space, wilderness and wilderness access, community.
- Sedan, the people, and view. (The lack of people)
- Born and raised here. It's home! I like the clean air (most of the time), the mountains, the view, and the climate. It's home!
- My grandchildren are here.
- Amenities – environmental area, access to public lands.
- Quality of life, scenery, quiet, open spaces, places to walk and ride, wildlife habitat.
- I used to value the wonderful hay fields, open lands, lack of light pollution at night- that is fading.
- Open space, historic and cultural resources, and natural amenities, including views, wetlands, waterways, etc.
- Clean air and people.
- Recreational opportunities out my back door. Small campus nearby to all the education available.
- 100-year old family roots and the beauty of the people and the land here.
- Open space; visual space so mountains can be seen; agricultural land; accessibility of rivers and mountains; a functioning downtown Bozeman which keeps commercial development off of open space.
- That it is not Denver (Boulder); wild lands close town; open working rural lands; not (too much) sprawl (yet ...); wildlife (real wildlife, wolverines, etc.)

When asked to describe what concerns them most regarding change in Gallatin County, the following includes a sample of responses:

- My nightmare is that it will develop the same way as my birthplace north of Seattle: from farms, ranches and some holdings to suburban hell in just a decade.
- Sprawl, loss of view shed, degradation of air and water quality.
- Traffic, waiting in lines, too many dogs, increase in crime, and loss of hometown feel.
- My biggest concern is the management of growth. We were very late getting started consequently we are way behind. It is even more important to complete the job now so we don't keep adding to our problems. Then maybe someday we can begin to reclaim some of the areas that should have never been developed.
- Loss of qualities that make Gallatin County a great place to live.
- Further degradation of water resources, loss of wildlife, ranchette sprawl, increasing costs of services, traffic, air pollution, noise, safe walking and bike routes.
- Lack of open space, traffic. Deterioration of water table.
- Sprawl.
- Fairness to both the environment and developers.
- That nothing will be done to manage growth.
- Citizens disconnected from the land and their personal impact on world (Gallatin County) by individual decisions.
- Rapid rate of change, the immense amount of money and power, greed, poor planning & growth, poor construction, loss of uniqueness, wildlife, rural character, loss of farmland, community feeling.
- Loss of ag land and wildlife habitat. Growing congestion, pollution.
- Too much unplanned development, poor zoning, too few building regulations.
- Not enough inner –city development.
- Massive growth without planning.
- Crowding increases uses of resources. Growth is expensive and city/county are not keeping up. Traffic is bad and doomed to worsen. Water is a concern! Actually, my biggest concern in the past has been County Commissioners lack of ability/foresight to plan for predicted astronomical growth. I'm pleased with their new energy towards growth planning.
- That the present "sprawl" would continue to encroach the land.
- Not keeping the richest farmland on earth.
- Place turning into Anaheim
- It will become a landing zone for wealthy people – no middle class – service class and the rich.
- Development not along interstate.
- The loss of freedom, because with it goes (comes) more regulations.
- Complete and utter loss of open fields, space, etc. in valley – I fear it will look like New Jersey, or like west of the mall!
- That land use decisions aren't being made with understanding of natural and scenic assets. Very concerned about lack of zoning protections for most of the county.

## GROWTH POLICY IMPLEMENTATION PROGRAM

In addition to scheduled town meetings, Commissioners and Planning Department staff attended a variety of events around the community in an effort to explain principles of the Program. Such meetings included the Bozeman Chamber of Commerce – Eggs and Issues; Bozeman Rotary; Madison County Growth Forum; Keller Williams Montana Realty; Prudential Bridger Realty; Elks Club – Exchange Group; Association of Gallatin Irrigations; among other groups.

Following the town meetings and public outreach events, the Commission and Planning Department compiled results from written and verbal feedback. Invitations were mailed to those who attended town meetings and notices were published to invite members of the public to review draft regulations and documents. Under direction from the Commission, staff prepared drafts for public review as follows: **1) Growth Policy amendments; 2) Subdivision Regulation amendments (Density Regulation & Cluster Regulation); 3) Gallatin County/Bozeman Area Zoning Regulation amendments, including a transfer of development rights regulation; and 4) Transfer of Development Rights Program Guidebook.** In addition to preparing draft regulations, the Commission and staff pursued: 5) interlocal agreements with towns of Belgrade, Bozeman, Manhattan, and Three Forks; and 6) explored the feasibility of establishing a rural land assistance program.

1. **Growth Policy amendments** – The Gallatin County Growth Policy is the guiding document for land use policy within the County. Chapter 10 of the Growth Policy articulates the process and procedures for the County’s current efforts to implement the Growth Policy.
2. **Subdivision Regulation amendments** – Based on the unpredictable nature of land use planning in unzoned portions of Gallatin County, the County Commissioners have expressed interest in establishing a county-wide base density for residential development. The Commission has explored varying options for accomplishing this goal. After consulting with the County Attorney’s Office, the Commission determined that establishing a lot density (or minimum lot size) through the Subdivision Regulations would be the most appropriate regulatory approach. Although county-wide zoning was considered, it was dismissed as an option due to the Commission’s desire not to regulate uses and other specifics required of Part 2 or 201 zoning. The Commission determined that a minimum lot size of one residence per 160 acres was appropriate for rural Gallatin County with options for increased density through clustered development under certain circumstances through a rural land assistance program (see below).

In addition to regulatory processes, the Commission explored options for creating incentives for developers to develop in growth areas. The Commission met with various participants in the development community to refine the type of incentives that would be beneficial. These incentives need to be further refined and incorporated into County policy.

3. **Gallatin County/Bozeman Area Zoning Regulation Amendments** – The County Commission adopted the Gallatin County/Bozeman Area Zoning Regulation July 1999, after transferring jurisdiction from the Bozeman City-County Planning Department to the County Planning Department. The County Planning Department made minor amendments to the Regulation before adoption, and a committee was appointed to investigate comprehensive amendments.
4. **County Transfer of Development Rights Program** - During the winter of 2003-2004, the County Commission appointed 11 individuals to serve on the Gallatin County Transfer of Development (TDR) Feasibility Committee (Committee). The Committee worked for over a year and a half to help determine the feasibility and success potential associated with increasing transfer of development rights programs throughout the County. During its research, the Committee consulted with Rick Pruetz author of *Beyond Takings and Givings* (Arje Press, 2003); land use consultant Jim Carter of Bear West who assisted the County with an update of the Gallatin County/Bozeman Area Zoning District; Clark Wheeler, land use appraiser with Norman Wheeler & Associates; and City of Bozeman officials.

In order to share information with County residents about TDR programs, the Committee hosted a community work session with Rick Pruetz on February 24, 2004; and shared its preliminary findings and sought community input at a public presentation in Bozeman on November 18, 2004 and a luncheon on January 27, 2005 at the Bank of Churchill.

The Committee concluded that an expanded TDR program would be feasible and beneficial in Gallatin County in light of the County's rapid growth, residents' interest in open space conservation, and the voluntary incentive-based strengths of TDR programs. While concluding its task, the Committee prepared a list of recommendations for consideration by the County Commission (see below). The Commission referred to the Committee's recommendations in determining the best approach for utilizing TDRs in Gallatin County.

#### **Committee Recommendations**

- A. The majority of Committee members encouraged the Commission to take a bold stance on TDRs.
- B. The Committee recommended that the County set aside appropriate funding for implementing and administering current and future TDR programs.

- C. The Committee agreed that a TDR program could provide a needed mechanism for preserving critical lands, e.g., prime agricultural land, riparian and wetland resources, and critical wildlife habitat. The Committee admitted that the challenge would be finding appropriate receiving areas to which development from those important natural resource areas could be directed.
- D. The Committee recognized Gallatin County’s “donut” jurisdictions (Bozeman, Belgrade, Manhattan and Three Forks) as potential receiving areas and encouraged the Commission to work with these communities to adopt programs. The Committee indicated this would be best accomplished by identifying “nodes” where city utilities, transportation, etc. could be extended. The Committee encouraged the Commission to formally adopt TDR programs through interlocal agreements with municipalities, adding that incentives should be built into such a program. The Committee said TDRs could be used to split existing parcels within cities or the county as a method for encouraging infill or densification in appropriate areas.
- E. The Committee recommended use of both inter- and intra-district transfers involving the donut jurisdictions, recognizing, however, that existing zoning districts, like Springhill, may see benefit in participating as a sending area but *not* receiving area.
- F. The Committee said the County should require the use of TDRs as an option in new zoning districts, and provide a model TDR regulation or ease of use within new zoning districts.
- G. The Committee suggested promoting the Dry Creek Demonstration Project as an example of how inter-district transfers could work within a “donut” or other appropriate district.
- H. The Committee recognized that county-wide zoning would provide a more comprehensive foundation for implementing a TDR program, however the Committee noted the political challenges associated with implementing county-wide zoning. The Committee said the conservation potentials offered by an expanded county-wide TDR program could provide an incentive for residents to initiate zoning districts.
- I. The Committee noted that additional research was needed to determine approximate development right valuations to help determine appropriate receiving area ratios before implementing an expanded program. The Committee recognized that future program needed to be based on an accurate supply/demand model to be successful.

- J. The Committee recommended exploring a voluntary fee or cash-in-lieu program as potential predictable and simpler methods. However, the Committee recognized the risk these methods would have on a market-based program.
  - K. The Committee recommended looking into the idea of buying back development rights in present sending areas that may become more appropriate for growth over time.
5. **City-County Interlocal Agreements** – Efforts have been made with communities of Bozeman, Belgrade, Manhattan and Three Forks to establish interlocal agreements formalizing items of mutual interest, including but not limited to establishment of tiered development standards and zoning that is designed to accommodate TDRs. These efforts are ongoing and formalized agreements between the County and various municipalities should be signed by the end of 2007.
6. **Rural Land Program** – County Commissioners have expressed interest in creating a County Rural Land Assistance Program to help rural landowners in land use decisions. During spring 2006, the Commission and planning staff members traveled to Larimer County, Colorado to explore a similar program.

**NEXT STEPS:** The County's efforts to implement the Growth Policy requires numerous changes to the regulatory documents which guide growth in Gallatin County. Additional work sessions and public hearings to further refine such efforts and amendments are forthcoming, and should result in changes to the initial drafts. Per statute, amendments to these documents require proper legal notice and public hearings.

Gallatin County recognizes the Growth Policy Implementation Program is an ongoing process that should be regularly reviewed, with appropriate adjustments made in response to changes in the economy, and changes in land use policy, statutes and procedures. The Program should be reviewed in conjunction with the Planning Board's five-year Growth Policy review.

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